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10/099,870	03/14/2002	Otto Cornelius Jonkers	VER-156XX	4461

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EXAMINER

MALSAWMA, LALRINFAMKIM HMAR

ART UNIT PAPER NUMBER

2825

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/099,870

Applicant(s)

JONKERS, OTTO CORNELIUS

Examiner

Lex Malsawma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2002 and 18 June 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 10, 11 and 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/14/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - (a) The following headings should be inserted in appropriate places within the current specification:
    - (i) BACKGROUND OF THE INVENTION –See MPEP § 608.01(c).
    - (ii) SUMMARY OF THE INVENTION –See MPEP § 608.01(d).
    - (iii) BRIEF DESCRIPTION OF THE DRAWINGS –See MPEP § 608.01(f)
    - (ii) DETAILED DESCRIPTION OF THE INVENTION –See MPEP § 608.01(g).
  - (b) In Fig. 3 of the current drawings, reference numerals (20, 21) are shown, however, these reference numerals are not mentioned in the specification, e.g., note the description of Fig. 3 (on page 8, lines 1-4).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

*Regarding Claim 1:*

The phrases, “such as” and “for instance” (see line 2), render the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

*Regarding Claims 2-7:*

These claims are rejected as being dependent upon an indefinite claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8, 9, 12, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Hunter** (6,244,121 B1).

*Regarding Claim 1:*

Hunter discloses an inspection system 200 (Fig. 3) for process equipment (Figs. 2A-2B) for treating substrates, the system being provided with a wireless sensor (any of 204, 206, 208 in Fig. 3; and note col. 4, line 63 to col. 5, line 3) with which the interior of the process **system** (NOTE: in lines 4, 5, and 6, “device” should be changed to “system”), during inspection of the interior of the process **system**, to a receiver located outside the process **system** (col. 8, lines 48-50), the wireless sensor being arranged on a support 202 (Figs. 3-4) having substantially the

same dimensions as the substrates to be treated (note col. 5, lines 47-50). Therefore, Claim 1 is anticipated.

*Regarding Claims 2-4, 16, and 17:*

Hunter discloses the wireless sensor is arranged on the support 202 (Fig. 3), such that the support can be transported in the process device with a substrate transport means 116 (Fig. 2B, 4, 5, etc.), wherein for wireless communication, an optical technique or a radio technique (RF) can be utilized (col. 8, lines 35-40). Note that an optical technique will inherently include an infrared technique. Therefore, these claims are anticipated.

*Regarding Claims 5 and 6:*

Hunter discloses (in col. 8, lines 42-53) the receiver(s) 218 may be located inside or outside of the process system, therefore, an antenna for the receiver(s) will be disposed either in the interior or outside of the process system. Therefore, these claims are anticipated.

*Regarding Claims 8 and 9:*

Hunter discloses a sensor (any of 204, 206, or 208 in Fig. 3) provided with a transmitter 212 for wireless communication, for inspecting the interior of a process device for treating substrates, the sensor being arranged on a support 202 having substantially the same shape and dimensions as the substrates to be treated (note col. 5, lines 47-50). Note that Hunter discloses the support generally has physical characteristics similar to those of the substrates being treated (note col. 5, lines 6-11 and 17), i.e., Hunter specifies that the support can be a substrate, and silicon substrates are the most common substrates/wafers used in the art, accordingly, Hunter anticipates the support (202) being made of a silicon substrate/wafer. Therefore, these claims are anticipated.

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*Regarding Claim 12:*

This claim is directed to a method utilizing the inspection system and sensor of Claims 1-6 and 8. Since Hunter discloses all features of the inspection system and sensor, Claim 12 is anticipated because it includes only process steps utilizing the system components disclosed by Hunter.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hunter** (6,244,121 B1) in view of Madsen et al., hereinafter, "**Madsen**" (6,174,205 B1).

*Regarding Claim 7:*

Hunter anticipates the method of Claim 4 but **lacks** specifically utilizing the "Bluetooth" technology. It is important to note the Hunter does not specify any particular type of wireless communication scheme which should/would be used; therefore, one of ordinary skill in the art would have found it obvious to utilize any well-known scheme/technology. "Bluetooth" technology was well known and commonly utilized in the art at the time the current invention was made. Madsen is **cited to show** that it was well known in the art that "Bluetooth" technology allows a wide range of devices to be interconnected via wireless connections (note col. 11, lines 16-25). Since Hunter does not specify any particular type of wireless

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communication scheme, it would have been obvious to one of ordinary skill in the art to modify Hunter by specifically utilizing the “Bluetooth” technology because “Bluetooth” technology was well known and commonly used in the art, and Madsen shows that “Bluetooth” technology allows a wide range of devices to be utilized in wireless communication, i.e., given Hunter and Madsen, one of ordinary skill in the art would have realized that incorporating “Bluetooth” technology would allow a wide range of devices to be utilized with Hunter’s disclosure.

#### ***Allowable Subject Matter***

8. Claims 10, 11, and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Claims 10, 11, and 13-15 are allowable primarily because they require the sensor to be a camera which allows visual inspection of the process equipment/device.

#### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references listed on the attached “Notice of References Cited” are cited to show processing systems and sensors having features similar to those of the current invention.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lex Malsawma whose telephone number is 703-306-5986.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 703-308-1323. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Lex Malsawma



June 27, 2003



MATTHEW SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800